

**Draft Meeting Summary
Humboldt/Del Norte MLPA Regional Working Group
October 15, 2002**

Working Group Members present: Ken Bates, Jim Currie, Brandi Easter, Thomas Gates, Hal Genger, Susan Golledge-Rotwein, Dave Hankin, Kenyon Hensel, Tom Leshner, Charlie Notthoff, Jeff Robinson, Howard Sakai, Ted Souza, Ken Vallotton, Mike Zamboni

Working Group Members partially attending: Paul Pellegrini

Department and MLPA Planning Team staff present: Lieutenant Martin Hauan, Neil Kalson, John Mello, Fred Wendell

RESOLVE staff present: Paul De Morgan

I. Welcome, Introductions, Proposed Meeting Objectives and Agenda

The meeting began with the Regional Working Group (RWG) Coordinator, John Mello of the Department of Fish and Game (DFG), welcoming the members and observers. He then asked everyone to introduce themselves.

Paul De Morgan, Senior Mediator with RESOLVE and the RWG facilitator, then briefly reviewed the agenda, describing the meeting purpose and goals, and the handout materials for the members. Mr. Mello noted that members should replace Table 1, Section V, of the RWG binder, with a revised Table 1 provided in their meeting packet and add the Marine Protected Areas and Potential Benefits To Selected Species to Section VIII of the RWG binder.

Mr. De Morgan then offered some preliminary thoughts on meeting process, ground rules (as outlined in Section VII of the draft Operating Principles), and the roles and responsibilities of members, the DFG staff, and the facilitator. He advised members to contact either RESOLVE or DFG if there were any concerns regarding the RWG process. In the course of discussions, RWG members requested more information on how the RWG facilitation is being funded and in particular, how the National Fish and Wildlife Foundation receives and gives funds.

Before proceeding, some members noted that they did not receive timely information regarding the meeting location. In some cases members said they did not receive a second mailing at all. Mr. De Morgan and Mr. Mello apologized for any inconvenience and noted this was hopefully a one-time occurrence and also suggested that in the future, members should feel free to contact either Mr. Mello or himself with any questions about meeting dates or locations.

Mr. De Morgan then circulated a roster to the group and asked members to indicate the contact information they wanted made available to the public. He explained that this information will be available on DFG's MLPA website to facilitate interaction with the public. He also noted that a separate roster will be maintained with more complete contact information for internal use by the RWGs only.

Next, a list for members to add information on their proposed alternates was distributed. Mr. De Morgan recognized that many of the members had already submitted information and asked them to correct anything if it was incorrect and to add new information if available. He also

noted that selecting an alternate was important for members to be represented but also so that all the other members have the opportunity to hear from that constituency. Members asked when proposed alternate nominations would be confirmed. Mr. Mello and Fred Wendell, DFG Nearshore Ecosystem Coordinator, indicated they will streamline alternate information for quick review and have decisions made by the next meeting. Mr. Mello added that if members do not yet have a proposed alternate, they should contact him as soon as possible to get them in the process. Members wanted to know whether responsibility for informing alternates on RWG activities lies with the Department or with individual members. Mr. Mello indicated that the main responsibility is with the members, but would confirm this at the next meeting.

Mr. De Morgan noted that a meeting summary would be prepared after each session and distributed for review by the RWG members before being finalized. Members raised a concern that in some past experiences with the DFG, meeting summaries did not reflect the weight that some points of discussion carried. They requested that the summary describe the main and minor points raised with the appropriate emphasis. Mr. Wendell reemphasized that the draft summary will be available for review by the RWG before placement on the Department Web page which members appreciated. The members agreed to proceed with the proposed approach and to revisit the issue, if necessary, after seeing how the process works.

II. Review of MLPA Regional Working Group Goals, Objectives, Mandates and Responsibilities.

Mr. Mello presented a brief description of the MLPA goals, guidelines, and requirements, a summary of which was included in the handout materials. This presentation primarily summarized material in Sections 3 and 4 of the Notebook (which he noted had been presented at the July orientation meetings). He recommended that those that did not attend the orientation meeting watch the videotape made of the meeting. He reported that the Department will provide videotapes when requested. Mr. Mello explained that AB 892, which extends the MLPA process by two years, has been signed by Governor Davis and chaptered. As such, the revised deadline for submission of a draft Master Plan to the Fish and Game Commission (Commission) is now January 1, 2005. Mr. Mello addressed some confusion with guideline four, that MPAs are designed to avoid activities that upset ecosystem functions. He clarified the statement by saying that an MPA will not be placed in an area with proposed development or disturbance.

Members raised questions regarding how the DFG sees neighboring RWGs interacting on overlapping issues. Specifically, there was concern that fishers generally move as they fish and that there must be some coordination between areas. Mr. Wendell advised that joint meetings between adjacent regions are being considered to help with integration. He also indicated that a statewide group, which would have a cross-RWG coordination function, may be formed. He also noted that the DFG will engage the RWGs on the role and purpose of these groups should they decide to pursue them further. In general, members acknowledged that joint meetings could be helpful, they also indicated that a statewide group might be useful, but wanted additional clarification on the group's role and implications for their work before agreeing it should be formalized.

Members raised concerns that while the MLPA requires assessment of economic impacts and that there was no mention of economic impacts in the MLPA Program Goals. Members requested information on how the Master Plan Team (MPT) has changed and asked if it is possible to add new members to the MPT. Mr. Wendell responded by reporting that there have been several meetings regarding how to incorporate socioeconomic issues specifically into the MPT and more generally into the overall RWG process (including having a socioeconomic workshop) but that no final decisions had been made yet. A member requested time be set aside later in the meeting to develop a recommendation regarding this issue.

The group expressed interest in having a clearer picture of the interaction between the RWG, the DFG, the Commission, the MPT, and the legislature in development of alternative MPAs. Some were concerned that the preferred alternative MPAs they craft might be shelved by the MPT and that two years of work would be completely disregarded. In response, Mr. Wendell and Mr. Mello outlined the process for development of the alternatives, including the iterative review of drafts that was expected to take place. They also reaffirmed that while the final recommendation to the Commission would be developed by the DFG, based in large part on the results of the seven RWGs, the final results of each RWG will be included in the background information sent to the Commission. The group seemed to understand the explanation, but suggested DFG work to develop additional materials to ensure the process is clear to everyone.

Mr. Mello reported to the group that the book, *California Marine Protected Areas*, by Deborah McArdle, is available on request in limited quantities and circulated a sign up list for members to request a copy of the book.

III. MLPA Regional Working Group Composition

RWG members were asked to comment on whether the current RWG composition was sufficient to accomplish their goals. In particular, they were asked to assess whether the composition adequately represents the constituent groups of this part of the coast. In discussing composition, the group became concerned that there is not an established method for reaching consensus on a particular recommendation. Mr. De Morgan suggested, and the group agreed, deferring development of any formal recommendations until after a discussion of the decision making protocol in the draft Operating Principles.

In general, members suggested that it was important to keep the group to a manageable size and as such, it was appropriate to recognize the broad constituent groups each member represents. At the same time, some members expressed concern that they may be expected to represent constituents outside of their jurisdiction or knowledge.

The group began by brainstorming groups that might not be represented but potentially affected by the process, including: other Federal and State agencies; sand and gravel mining; and water fowl hunters. In addition, the group discussed the issue of tribal interests and then how the group might access scientific expertise in the future.

Tribal Interests: One member expressed surprise that not more tribes are involved in the overall process. He suggested, and others agreed, that insufficient information may be available and

uniformed tribes or other constituencies may create difficulties at the end of the process. He suggested that the Native American Heritage Foundation be contacted to discover which tribes have coastline property or use coastal resources. Mr. Mello noted that in developing the Humboldt/Del Norte RWG membership, the DFG hoped the individual in the tribal seat would be able to speak to Native American concerns in the area, acknowledging that the seat did not represent the other tribes. He agreed to follow up with the other RWG coordinators and other DFG staff to explore notification of tribes statewide about the process.

Scientific Expertise: One member noted the RWG did not have a lot of formal scientific expertise among its membership and suggested the group consider adding individuals to address this situation. He specifically noted the disparity between MPT and RWG in terms of members from the scientific community.

As a partial response, Mr. De Morgan and Mr. Mello discussed the different avenues which the DFG expected the RWG's to have available to access scientific expertise. First, through the membership itself, including some of the scientists from local universities; second, through DFG participation, including Mr. Mello's own expertise, as well as others on an as necessary basis; third, by asking MPT members, on an as needed basis, for input, advice, or to attend specific meetings; and fourth, by tapping into any additional expertise available and agreed upon by the group.

Members still felt that having a 'neutral' scientist, locally-based, at the table to advise them would be helpful, however whether or not the individual should have a voting seat was not easily resolved. Some felt having them participate as voting members was acceptable while others indicated they would rather the individual just serve in an advisory capacity. After some discussion the group agreed that additional scientific contribution would be invaluable and agreed to recommend adding formal RWG science advisors in a non-voting capacity. Members suggested recruiting two Sea Grant Advisors, who could possibly alternate between meetings, and Mr. Mello agreed to contact them and determine their interest and availability to participate.

Exploring Additional Outreach: After these discussions, the group briefly revisited the issue of adding more members. Rather than make any further discussions, the group indicated this was an issue they would need to revisit as necessary. In addition, they recognized they would likely need to explore other ways to engage broad constituencies as the work proceeds.

IV. Draft Operating Principles

Mr. De Morgan introduced the goals of the Operating Principles, advising the group that they are designed to provide a clear sense of the procedures by which the group will govern its discussions, deliberations, and decision-making. The group then proceeded to review the Operating Principles section by section.

Section I. Purpose of the Marine Life Protection Act Regional working Group

Section I was approved

Section II. Role of the Regional Working Group Members/Working Group Structure

Mr. De Morgan began by informing the group on text changes to the packet. Members were confused regarding the phrase “visions for the future,” Section II, paragraph three, second sentence. Members wanted more definition on the word “future” so that the group knows how far reaching their decisions will be. After some discussion, members recommended removal of the phrase “visions for the future.” Mr. Wendell suggested that the intent of the phrase was to ask for input for local goals towards achieving MLPA objectives in this region. He then informed members that adaptive management is incorporated in the MLPA. Mr. Wendell suggested changing the language of Section II, first sentence, fourth paragraph, to read “In developing recommendations, working groups will look at other factors such as funding, management, monitoring, and enforcement that may effect the implementation of MPAs.” RWG members agreed to the proposed change.

Sub Groups

Members discussed what a sub group might be, but after some deliberation decided no changes were needed.

Master Plan Team

Members suggested the addition of a socio-economic expert to the MPT. (As noted above the group agreed to discuss development of a formal recommendation later in the meeting).

Department of Fish and Game

Members requested an explanation of the perceived need for forming a statewide working group. Mr. Wendell described the idea of a statewide committee and the possible role of such a committee. This section was deemed acceptable for the time being, but members noted they would like to know more about this idea as the DFG proceeds.

Section III. Participation

Additional Parties

Per the discussion about decision making, it was noted that the idea of ‘consensus’ in this section would need to be reworked.

Section IV. Meetings

Open Meetings

Members discussed the role of public observers in future meetings. The group was concerned that frequent interruptions from the public may be distracting to the group. The group agreed to allow a fifteen minute period for public comment. Each member of the public would be allowed two minutes to speak, or less if there is not sufficient time, and be required to submit comments in written form if they are to be considered formally. In addition, the group agreed it would be helpful to have a place for the public to submit written comments at each meeting.

Video or Audio Recordings

While group members expressed concern that their comments may be edited and misinterpreted in the event that meetings are recorded, it was noted that because they are public meetings, legally anyone can record the conversation. In addition, at least one member felt meetings should be recorded in order to preserve an accurate record of meeting events. At the conclusion of the discussion, the group agreed to remove this item from the Operating Principles, and acknowledged they may have to deal with this issue again in the future.

Breaks and Caucuses

Members expressed concern that this, if read literally, could mean their time would be wasted at future meetings. They requested the language clarify what exactly is being suggested.

Section V. Decision Making and Commitments

Mr. De Morgan began by describing Section V and outlining the goals of the group regarding substantive decisions and products. He acknowledged the various comments regarding decision making throughout the day and noted that the proposed approach to decision making was by consensus but that group needed to make the final decision themselves. The group requested that individual members be asked directly their opinions on RWG decisions and that the group agree beforehand how to solve disagreements within the group. Mr. De Morgan advised the group that majority and minority reports may be necessary to describe the different opinions when consensus cannot be reached. There was a lengthy discussion by the group on the issue of consensus and how to resolve disagreements when consensus cannot be reached.

In conclusion, the group agreed that while they wanted to continue to strive for consensus around the final product, in the interim a lot of decisions would need to be made and having a method, or options, besides consensus for resolving conflicts would be helpful. In particular, the group agreed to vote on issues, as necessary, according to a modified “Roberts’ Rules of Order” process that was to be developed. In addition, the group agreed that it would be important to ensure that all members have the opportunity to share their opinions in the event that consensus is not achieved, regardless of the decision.

Section VI. Safeguards

Press It was suggested that more language needs to be developed to clarify this section.

Section VII. Process Reminders/Ground Rules

Approved by Group

Section VIII. Schedule

Did not discuss

As time was running short, the group agreed to ask Mr. De Morgan to incorporate the changes and potential changes in a redline/strikeout form and distribute the results in advance of the next meeting. They agreed to review the document and come prepared to reach closure, if possible, at the next meeting.

V. Discussion of Formal RWG Recommendations

Building on earlier conversations in the day, Mr. De Morgan proposed the group attempt to finalize two possible recommendations regarding:

1. Scientific representation on the RWG.
2. Socio-economic representation on the Master Plan Team.

Regarding the first area, the group agreed to recommend the DFG work to have a scientist serve as a non-voting advisor at each meeting. Further, they asked Mr. Mello to contact two local Sea Grant advisors to determine their interest and availability in joining the panel in a non-voting, advisory capacity (suggesting that the two individuals could alternate between meetings).

Regarding the second area, members formally recommended that the DFG add an economist to the MPT. Mr. Mello asked the group if a fisheries economist would suffice, however the group clarified that they were recommending a resource economist.

VI. Learning About Working Group Members' Hopes and Expectations/Developing a Proposed Vision for Marine Resources Within This Region

RWG members were asked to reflect on two questions that would give them a better understanding of each others interests. The first question was why they agreed to accept their nominations and the second was in two years (i.e. at the conclusion of this process) what would make you glad you participated?

Members responded to each question in various ways. Regarding the first question, answers included the desire to protect their livelihood, the opportunity to learn and to meet the challenge of working with a variety of user groups, to work through difficulties seen in the Initial Draft Concept, and to effectively represent their constituency. Responses to the second question included the desire to see the RWG's recommendations applied to the final product, the ability to continue to make a living in the nearshore, and to see effective conservation measures taken.

VII. Next Steps, Meeting Summary, and Acknowledgments

The group discussed when they would meet next. While no formal date was agreed upon, the group did agree that the week of November 18th was the best for the rest of the calendar year. Members indicated that holding a meeting in December would be very difficult, especially for the commercial fishermen. Mr. De Morgan and Mr. Mello indicated they would try to confirm a date as soon as possible.

Members were then asked to propose possible agenda topics for the next meeting, suggestions included:

- Visions, hopes, and expectations for the process
- Finish discussion of operating procedures

- Information for the RWG regarding:
 - maps detailing current jurisdiction and regulation.
 - proposed Department matrix
 - existing MPA's

Members also indicated it was essential they have the opportunity to review a map, representing impacts of current regulations, before proceeding too much further in the process. Mr. De Morgan advised DFG to make availability of informational maps a priority. Members also requested a presentation on previous attempts at creating MPAs, such as the Initial Draft Concepts and the Channel Islands process.

Mr. De Morgan asked Mr. Mello to take the lead in forwarding the RWG recommendations regarding Sea Grant involvement and adding a resource economist to the MPT. Mr. De Morgan added that a draft summary and a draft agenda will also be sent to members.